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DATE FILED: Sept 12, 2022

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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CHUBB SEGUROS ECUADOR S.A. as
subrogor of EARTHFRUCITIFERA
CIA LTDA **Plaintiff,**

-against-

LAN CARGO S.A., et al.,

Defendants.
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20-cv-4642 (ALC) (JLC)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

ANDREW L. CARTER, JR., District Judge:

On March 18, 2022, this matter was referred to United States Magistrate Judge James L. Cott for an inquest after default/damages hearing. ECF No. 25. The Court now considers the Report and Recommendation issued by Magistrate Judge Cott, recommending that the action be dismissed for failure to prosecute. ECF No. 28.

Despite Magistrate Judge Cott's order that Plaintiff file their Proposed Findings of Fact and Conclusions of Law concerning damages by April 12, 2022, Plaintiff did not respond or request an extension of the deadline. ECF No. 27. As of this time, Plaintiff has still not filed any inquest papers, nor requested an extension.

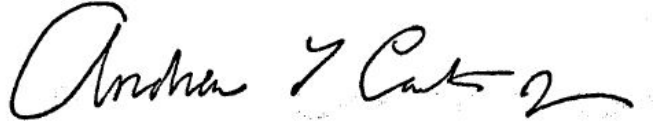
Further, despite notification of the right to object to the Report and Recommendation, no objections were filed. Where no timely objections are made, the Court may adopt the Report and Recommendation as long as there is no clear error on the face of the record. *Sacks v. Gandhi Eng'g, Inc.*, 999 F. Supp. 2d 629, 632 (S.D.N.Y. 2014) (citing *Wilds v. United Parcel Serv.*, 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003)). In light of the lack of any objections to the Report and Recommendation and the fact that Court finds no clear error in the record, the Court adopts the Report and Recommendation in its entirety.

Therefore, this action is DISMISSED for failure to prosecute.

The Clerk of Court is respectfully directed to enter judgment and close this case.

SO ORDERED.

Dated: Sept 12, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge